

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4260/2009  
(From the judgement and order dated 27/05/2009 in CRLMC No.  
1420/2009 of The HIGH COURT OF DELHI AT N. DELHI)

GAYATRI HAZARIKA CHALIHA & ANR. Petitioner(s)

VERSUS

AVIJIT CHALIHA & ANR. Respondent(s)

(With appln(s) for stay and dismissal of SLP and release of  
maintenance amount deposited in metropolitan magistrate court  
and placing on record the memo of understanding and office  
report)

Date: 24/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Ms. Malavika Rajkotia, Adv.  
Mr. Chetanya Puri, Adv.  
Mr. Praveen Swarup, Adv.

For Respondent(s)  
NCT Mr. P.P. Malhotra, ASG  
Mr. P.K. Dey, Adv.  
Ms. Sadhna Sandhu, Adv.  
Mrs Anil Katiyar ,Adv  
  
Mr. Hrishikesh Baruah, Adv.  
Mr. Arjun Bobde, Adv.  
Mr. Nishant Das, Adv.  
Mr. Arjun Dewan, Adv.  
Mr. Jagjit Singh Chhabra, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Learned Counsel appearing for the parties submit  
that a decree of divorce by mutual consent has already been  
passed by the Family Court on 6th December, 2010. Learned  
Counsel for the Petitioners also states that necessary  
standing instructions have also been issued to the Deutsche  
Bank in terms of Clause V.5 of the Memorandum of  
Understanding. A copy of the application issuing standing  
instructions has been placed on record. Learned Counsel  
appearing for the Petitioners also confirms that the two  
post-dated cheques in the sum of Rs. 8 lakhs each,  
encashable on 30th June, 2010 and 30th September, 2010 have

since been honoured.

Learned Counsel for the Respondents

states that certain actions, required to be taken by them

periodically, shall also be taken care of.

In view of the

above, parties are ad-idem that the terms of Memorandum of

Understanding, in so far as it pertains to the Civil disputes have been complied with.

Having heard learned Counsel for the parties and

bearing in mind the terms of understanding between the parties, we feel that it would be in the interest of justice to quash the following proceedings pending in different courts:-

1. Application under Section 125 of the Cr. P.C. Pending before the Court of the Shrimati Geetanjali Goel, Learned Metropolitan Magistrate, Patiala House Courts, New Delhi being CC No. 8/1 of 2008 and the Ex-Parte Order dated 20.3.2008 passed by said Metropolitan Magistrate therein.
2. 3 Execution proceedings made in terms of Section 125 of the Cr.P.C. Before the Court of the Shrimati Geetanjali Goel, Learned Metropolitan Magistrate, Patiala House Courts, New Delhi for execution of the Ex-Parte Order dated 20.03.2008 in CC No. 8/1 of 2008.
3. Application under Section 12 of the Protection of Women from Domestic Violence Act 2006 being C.C. No. 8/3A of 2008 before the Court of the Shrimati Geetanjali Goel, Learned Metropolitan Magistrate, Patiala House Courts, New Delhi and the Interim Protection Order dated 01.07.2008 and Final Order dated 31.08.2008.
4. FIR being FIR No. 383 of 2008 registered with the Tilak Marg Police Station, New Delhi under Section 31 of the Protection of Women from Domestic Violence Act 2006 and the consequent proceedings being Case No. 23/2 of 2009 before the Court of the Shrimati Geetanjali Goel, Learned Metropolitan Magistrate, Patiala House Courts, New Delhi.
5. FIR No. 319 of 2006 registered with the Tilak Marg Police Station, New Delhi under Section 349A, 406 read with 506 IPC and the consequent proceedings being Case No. 13 of 2009 before the Court of the Shrimati Geetanjali Goel, Learned Metropolitan Magistrate, Patiala House Courts, New Delhi.
6. FIR No. 365 of 2007 registered with the Subzi Mandi Police Station for the offences punishable under Section 307/342/506/34 of IPC and the consequent proceedings arising thereto.
7. FIR No. 405 of 2007 registered with the Subzi Mandi Police Station for the offences punishable under Section 323 and 506 of IPC and the consequent proceedings arising thereto being Case No. 36/CB/08 before the Court of the Learned ACMM, Tis Hazari Courts, Delhi.

Application for release of maintenance amount deposited in Metropolitan magistrate's Court is dismissed as having become infructuous.

The Special Leave Petition stands disposed of accordingly.

(DEEPAK MANSUKHANI)  
Court Master

(KUSUM GULATI)  
Court Master